IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1062 OF 2006

Shri Tukaram Sakharam Bomble ..Applciant.
V/s
Sr. Inspector of Police,
Manchar Police Station, Pune and another..Respondents.

Mr. U.B. Nighot for the applicants.
Miss M.H. Mahatre, APP for the State.

CORAM : V.M. KANADE, J.
DATE : 27TH MARCH, 2006.

P.C.

. Heard the learned Counsel for the applicant and the learned A.P.P. for the State.

2. The applicant was arrested in connection with C.R.No. 96/2006 registered at Manchar Police Station for the offence punishable under section 302 and 304 of Indian Penal Code.

3. The prosecution case is that the applicant had an altercations with the deceased who was staying in the ancestral house. The prosecution case is that the deceased had given her ornaments to the applicant who had pledged those ornaments and obtained money for his

use. The deceased used to demand those ornaments. On the date of the incident the applicant was annoyed because of persistent demand made by the deceased and he came out and assaulted and slapped her and when deceased resisted, he went inside the house and brought can of kerosene and poured it on the body of deceased and set her on fire.

4. The applicant is a Gram Sevak working in Panchayat samittee Ambegaon. He is relying on the certificate which has been issued by the Panchayat Samittee stating that the applicant was present in his office on that day. It is submitted that the prosecution case is even otherwise improbable as the deceased was taken to the hospital almost after two hours, after her husband returned home. None of the villagers helped the lady who has received 49% burn which itself indicates the applicant was not present in the village.

5. Apart from the statements of the deceased recorded and it has been treated as dying declaration in which she has stated the role played by the applicant. Another statement of eye witness which has corroborated

the dying declaration. The plea of alibi will be considered at the time of final hearing of the case. Apart from offence being very serious, the fact that the applicant is a Gram Sevak, there is every possibility that the applicant if release on bail may threaten the witnesses and tamper the evidence. Certificate itself is produced by the applicant. The said certiciate does not discloses the time as to when the applicant had attended the office. Considering these various circumstances and the material which is on record, this is not a fit case for grant of bail.

6. Application is rejected.

[V.M. KANADE, J.]